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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**EUGENE KESSLER**, individually and  
derivatively on behalf of SALEM VEGAS, L.P.,

Plaintiff,

v.

**ANTHONY GUANCI**, an individual,

Defendant.

CASE NO.: 2:12-cv-01892-GMN-CWH

**STIPULATION AND ORDER  
REGARDING AMENDED COMPLAINT,  
PENDING MOTION TO DISMISS AND  
SUPPLEMENTAL DISCLOSURES**

Eugene Kessler, individually and derivatively on behalf of Salem Vegas, L.P. (“Kessler”), and Defendant Anthony Guanci (“Guanci”), by and through their respective attorneys of record, HEREBY STIPULATE to the following:

WHEREAS on November, 5, 2012, Kessler filed a Complaint in this matter (“Complaint”). Doc No. 1

WHEREAS on Febraury 28, 2013,Guanci filed a Motion to Dismiss the Complaint (“Motion to Dismiss”). Doc No. 30

WHEREAS on March 13, 2013, Kessler filed a motion to substitute Salem Vegas, L.P. as plaintiff real party in interest and a corresponding first amended complaint (Motion to Substitute and Amend). Doc No. 31

WHEREAS on March 18, 2013, Kessler’s Opposition to the Motion to Dismiss is due.

WHEREAS on March 18, 2013, certain supplemental disclosures are due.

**STIPULATION**

Kessler and Guanci hereby STIPULATE, to the COURT GRANTING Kessler's Motion to Substitute and Amend. Doc No. 30. By so stipulating, Guanci waives no rights, procedural or substantive, and shall not be prejudiced in any manner from taking any and all actions in response thereto, including, but not limited to, filing a responsive pleading to the Amended Complaint, such as a motion to dismiss or an answer

Kessler and Guanci further STIPULATE, upon the COURT GRANTING Kessler's Motion to Substitute and Amend, Guanci's pending Motion to Dismiss is moot, and is hereby withdrawn without prejudice.

Kessler and Guanci further STIPULATE upon the COURT GRANTING Kessler's Motion to Substitute and Amend, the date to provide supplemental disclosures shall be continued for 30-days from entry of this Court's Order.

**SO STIPULATED**

DATED this 15th day of March, 2013.

**HOLLAND & HART LLP**

By /s/ Lars Evensen  
 Lars K. Evensen, Esq.  
 Brian G. Anderson, Esq.  
 9555 Hillwood Drive, Second Floor  
 Las Vegas, Nevada 89134

*Attorneys for Plaintiff*

DATED this 15th day of March, 2013.

**LOEB & LOEB LLP**

By /s/ Patrick Downes  
 Patrick Downes, Esq.  
 Pro Hac  
 10100 Santa Monica Blvd. #2200  
 Los Angeles, CA 90067

*Attorneys for Defendant*

**ORDER**

**THIS COURT**, having considered the STIPULATION by and between Kessler and Guanci, and good cause appearing:

**HEREBY GRANTS** Kessler's Motion to Substitute and Amend. Doc No. 31. By so stipulating, Guanci waives no rights, procedural or substantive, and shall not be prejudiced in any manner from taking any and all actions in response thereto, including, but not limited to, filing a responsive pleading to the Amended Complaint, such as a motion to dismiss or an

1 answer.

2 **HAVING GRANTED** Kessler's Motion to Substitute and Amend, Guanci's pending  
3 Motion to Dismiss, Doc No. 30, is moot, and is hereby withdrawn without prejudice

4 **IT IS FURTHER ORDERED** that the date to provide supplemental disclosures shall be  
5 continued for 30-days from entry of this Court's Order.

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7 **IT IS SO ORDERED.**

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10 Gloria M. Navarro  
11 United States District Judge

12 **DATED: 03/18/2013**

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